

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,

v.

GILBERT TUPAC GONZALEZ,

Defendant.

CRIMINAL FILE NO.

1:09-CR-371-TWT

ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 71] of the Magistrate Judge recommending denying the Defendant's Motion to Suppress [Doc. 20]. The Defendant's main objections to the Report and Recommendation relate to the Magistrate Judge's credibility determination with respect to Officer McLendon. The reasons given by the Magistrate Judge for finding that Officer McLendon was a credible witness are entirely persuasive and well founded. Officer McLendon had no reason to deliberately lie to the magistrate who issued the search warrant. There was probable cause to search the residence. In addition, the good faith exception applies. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Suppress [Doc. 20] is DENIED.

SO ORDERED, this 6 day of July, 2010.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge